

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNERS OF CERTAIN PROPERTY, PARCEL NO. THIRTY-FOUR (34), IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD EXTENSION PROJECT.

SPONSORED BY: COUNCIL MEMBER ROBIN ENGEL

WHEREAS, the Louisville/Jefferson County Metro Government (“Metro”), pursuant to KRS 67C.101(3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro (“Council”) to approve the exercise of the power of eminent domain prior to Metro’s instituting such proceedings; and

WHEREAS, Metro (as a successor to Jefferson County and the City of Louisville) has planned and designed the Cooper Chapel Road Extension Project (the “Project”) in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works; and

WHEREAS, as a part of the Project, it is necessary to acquire property in fee simple (“Tract A”) and two temporary easements (“Tract B” and “Tract C”), as more accurately described by Exhibit A (the “Condemned Property”) for the use and benefit of citizens of Metro; and

WHEREAS, Metro has not been able to acquire the Condemned Property for the Project from the owners of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorized Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“THE COUNCIL”) AS FOLLOWS:

SECTION I: That in order to complete the project, Metro needs to acquire the Condemned Property, as is more accurately described on attached Exhibit A and platted as on the plat map attached hereto as Exhibit B. Those with a potential interest in the Condemned Property who will be called upon in a condemnation action are attached as Exhibit C.

Since Metro cannot, by agreement of the owner of the Condemned Property, acquire the Condemned Property, then the office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

SECTION II: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

SECTION III: That this Resolution shall become effective upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

R-025-22 Parcel No. 34 (Thomas, Lorin Duane, et al) Condemnation.docx (APS)

EXHIBIT A—CONDEMNED PROPERTY

**Parcel No. 34
Tract A**

Being a tract of land in Jefferson County, Kentucky along the proposed Cooper Chapel Road corridor, located approximately 2060 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44; thence with the north proposed controlled access and right of way line along an arc 284.30 feet to the left, having a radius of 2440.00 feet, the chord of which is South 82°39'46" East for a distance of 284.13 feet, to a point 50.00 feet left of proposed Cooper Chapel Road at Station 562+51.56, said point being in the east property line; thence with said property line South 0°31'51" West a distance of 100.18 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 562+57.51; thence with the south proposed controlled access and right of way line along an arc 284.13 feet to the right, having a radius of 2540.00 feet, the chord of which is North 82°55'58" West for a distance of 283.98 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 559+78.97, said point being in the west property line; thence with said property line North 0°31'51" East a distance of 101.52 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44 and the POINT OF BEGINNING.

The above described parcel contains 0.652 acres (28,420 sq. ft.) of right of way.

Parcel No. 34 Tract A is required in fee simple.

**Parcel No. 34
Tract B**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 2060 feet northwest from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44; thence North 0°31'51" East a distance of 12.19 feet to a point 62.00 feet left of proposed Cooper Chapel Road at Station 559+59.24; thence South 83°38'58" East a distance of 44.69 feet to a point 65.00 feet left of proposed Cooper Chapel Road at Station 560+05.00; thence North 65°39'06" East a distance of 23.37 feet to a point 78.00 feet left of proposed Cooper Chapel Road at Station 560+25.00; thence South 80°20'07" East a distance of 121.24 feet to a point 74.00 feet left of proposed Cooper Chapel Road at Station 561+50.00; thence South 85°35'52" East a distance of 96.89 feet to a point 75.33 feet left of proposed Cooper Chapel Road at Station 562+49.98; thence South 0°31'51" West a distance of 25.37 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 562+51.56; thence along an arc 284.30 feet to the right, having a radius of 2440.00 feet, the chord of which is North 82°39'46" West

for a distance of 284.13 feet to a point 50.00 feet left of proposed Cooper Chapel Road at Station 559+61.44 and the POINT OF BEGINNING.

The above described parcel contains 0.154 acres (6,698 sq. ft.) of temporary easement for the construction of side slopes.

**Parcel No. 34
Tract C**

Being a tract of land in Jefferson County, Kentucky north of proposed Cooper Chapel Road, located approximately 2047 feet west from the intersection of Meghan Lane and Cooper Chapel Road., and more particularly described as follows:

Beginning at a point 50.00 feet right of proposed Cooper Chapel Road at Station 559+78.97; thence along an arc 284.13 feet to the left, having a radius of 2540.00 feet, the chord of which is South 82°55'58" East for a distance of 283.98 feet, to a point 50.00 feet right of proposed Cooper Chapel Road at Station 562+57.51; thence South 0°31'51" West a distance of 16.33 feet to a point 66.30 feet right of proposed Cooper Chapel Road at Station 562+58.43; thence North 87°05'08" West a distance of 60.03 feet to a point 67.98 feet right of proposed Cooper Chapel Road at Station 562+00.00; thence North 85°41'38" West a distance of 154.44 feet to a point 75.00 feet right of proposed Cooper Chapel Road at Station 560+50.00; thence North 77°10'02" West a distance of 69.64 feet to a point 70.85 feet right of proposed Cooper Chapel Road at Station 559+82.45; thence North 0°31'51" East a distance of 21.15 feet to a point 50.00 feet right of proposed Cooper Chapel Road at Station 559+78.97 and the POINT OF BEGINNING.

The above described parcel contains 0.133 acres (5,805 sq. ft.) of temporary easement for the construction of side slopes.

EXHIBIT B—PLAT MAP

EXHIBIT C—INTERESTED PARTIES

1. Lorin Duane Thomas and Mariette Renee Thomas, husband and wife
2. Regions Bank d/b/a Regions Mortgage